IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.532 OF 2005

Abhidha H. Shah Petitioner

versus

State of Maharashtra & others Respondents

Mr.V.M.Thorat for petitioner.

Mr.P.M.Mokashi, AGP for respondents 1 and 2.

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 14th March 2005

PC :

1. Heard Mr.Thorat in support of this petition. Mr.Mokashi appears for respondents 1 and 2. The Administrative Officer from the office of respondent no.2 one Mr.Gaikwad has filed affidavit-in-reply. The case of the petitioner is that she was interested in studying for M.Ch. (Neurosurgery) in respondent no.3 institution. One Dr.Singhal was admitted on that seat. He had subsequently left that course in November 2004. She was next in the list and she is therefore seeking Writ of Mandamus that since the seat is now fallen vacant she should be accommodated in

that seat.

2. As against this submission of petitioner the reply states that in view of the judgement of the Apex Court in the case of Medical Council of India Vs. Madhu Singh and others reported in (2002)7-SCC-258 admissions given to the super speciality courses have to be completed by 30th November 2004. This being the position, the petitioner cannot now be accommodated. She will have to apply and appear once again when the necessary procedure is started for the admissions in the academic year 2005-2006.

3. We quite see the predicament of the petitioner, however, in view of the law laid down by the Apex Court, we cannot do any thing in the matter. Petition is therefore rejected.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)